

## **FACTSHEET**

**TITLE:** PRELIMINARY PLAT NO. 01007, CARROLL M5 INDUSTRIAL PARK, requested by Ross Engineering, Inc. on behalf of Ceejay, L.L.C., for 12 commercial lots and one outlot, with requests to waive sidewalks and stormwater detention; and to reduce the minimum centerline radius for curves, on property generally located at North 27<sup>th</sup> Street and Cleveland Avenue.

**STAFF RECOMMENDATION:** Conditional Approval; **denial** of the waiver of sidewalks; and **approval** of the stormwater detention and curve centerline radius adjustments.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 07/25/01 and 08/08/01  
Administrative Action: 08/08/01

**RECOMMENDATION:** Conditional Approval; however, **denial** of all waiver requests (7-1: Taylor, Newman, Carlson, Hunter, Schwinn, Steward and Bayer voting 'yes'; Duvall dissenting; Krieser absent).

### **FINDINGS OF FACT:**

1. This application had public hearing before the Planning Commission on July 25, 2001, and continued public hearing on August 8, 2001. The staff recommendation to approve this preliminary plat, with conditions, is based upon the "Analysis" as set forth on p.7-8. The conditions of approval are found on p.9-11.
2. The applicant's testimony is found on p.12-13;15-16; and 17. The applicant requested the deletion of Condition No. 1.1.11, which requires that the site plan be revised to show sidewalks (See Minutes, p.12).
3. Testimony in opposition is found on p.13-14 and 18-19. Those in opposition are tenants of the mobile home park within the boundaries of the proposed preliminary plat. The issues of the opposition are displacement of residents and their mobile homes and lack of communication and notice from the owner. The written information submitted by the opposition is found on p.40-46.
4. On July 25, 2001, the Planning Commission voted to defer, with a request that the owner meet with the mobile home court tenants and that the Urban Development Department be contacted to determine whether there is any kind of government assistance for the relocation of these tenants.
5. On July 31, 2001, a letter was sent by the owner to the mobile home park tenants (p.039) and a neighborhood meeting was held on August 2, 2001. Urban Development and the Lincoln Housing Authority also attended the neighborhood meeting. Continued public hearing before Planning Commission was held on August 8, 2001. The testimony of Marc Wullschleger, Director of Urban Development, is found on p.17-18, suggesting that the mobile home owners/tenants could be referred to Neighborhoods, Inc. or Lincoln Housing Authority.
6. The Planning Commission discussion is found on p.14-17 and 19-20.
7. On August 8, 2001, the Planning Commission agreed with the staff recommendation and voted 7-1 to recommend conditional approval, with amendment **denying** all waiver requests, Commissioner Duvall dissenting (See Minutes, p.20-22). The Commission did not wish to grant any waivers of the minimum standards and requirements.
8. On August 10, 2001, a letter reflecting the action of the Planning Commission and the amended conditions of approval was sent to the applicant (p.2-5).
9. On August 17, 2001, Ron Ross of Ross Engineering, Inc. filed a letter on behalf of the applicant appealing Conditions #1.1.11, #1.1.13, #1.1.15 and #1.1.16 (See p.047).
10. The Site Specific conditions of approval required to be completed prior to scheduling this application on the Council agenda have been submitted by the applicant and approved by the reviewing departments, **except** Conditions #1.1.11, #1.1.13, #1.1.15 and #1.1.16, which have been appealed. If the requested waivers are not granted by the Council, these conditions must be required to be completed.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** October 22, 2001

**REVIEWED BY:** \_\_\_\_\_

**DATE:** October 22, 2001

**REFERENCE NUMBER:** FS\CC\FSP01007

August 10, 2001

Ross Engineering  
Tom Cajka  
201 N. 8<sup>th</sup> Street - Suite 401  
Lincoln, NE 68508

Re: Preliminary Plat No. 01007  
Carroll M5 Industrial Park

Dear Mr. Cajka:

At its regular meeting on Wednesday, **August 8, 2001**, the Lincoln-Lancaster County Planning Commission granted approval to your preliminary subdivision, **Carroll M5 Industrial Park**, located in the general vicinity of **27<sup>th</sup> Street and Cleveland Avenue**, subject to the following conditions:

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans to the Planning Department office, the preliminary plat will be scheduled on the City Council's agenda: (NOTE: These documents and plans are required by ordinance or design standards.)
  - 1.1 Revise the preliminary plat to show:
    - 1.1.1 Total cubic yards of fill brought into the flood plain.
    - 1.1.2 Provide a drawing indicating individual trees and tree masses on site, as required by Section 26.15.020(c) of the Subdivision Ordinance.
    - 1.1.3 Sheet 5 should read "5 of 8," not "5 of 9."
    - 1.1.4 Remove Note 11 - it duplicates statements in Note 16.
    - 1.1.5 Sign the surveyor's certificate.
    - 1.1.6 Remove building envelopes, building square footage, building dimensions, parking lot details, and parking lot dimensions.
    - 1.1.7 Remove the building and parking stall summary.
    - 1.1.8 Provide easements as requested by L.E.S.
    - 1.1.9 Add water lines and fire hydrants to the Utility Plan.

- 1.1.10 Replace Honeylocust with a more flood tolerant species such as Patmore Ash or Swamp White Oak
- 1.1.11 Show sidewalks
- 1.1.12 Increase curb radii as requested by Public Works and Utilities.
- 1.1.13 Remove Note 15, which requested a waiver of sidewalks.
- 1.1.14 Add a note indicating all the requested waivers: "Waivers requested: [list of waivers]."
- 1.1.15 Show roadways meeting the design standards for centerline radius for curves. (\*\*Per Planning Commission 08/08/01\*\*)
- 1.1.16 Provide stormwater detention as required by the land subdivision ordinance and design standards. (\*\*Per Planning Commission 08/08/01\*\*)

~~2. The City Council approves associated requests:~~

- ~~2.1 An exception to the design standards to permit a reduction of centerline radius for curves from 150 feet to 51.5 feet.~~
- ~~2.2 A modification to the requirements of the land subdivision ordinance to waive stormwater detention/retention facilities.~~  
**(\*\*Per Planning Commission 08/08/01\*\*)**

General:

3. Final Plats will be scheduled on the Planning Commission agenda after:

- 3.1 Streets, sidewalks, public water distribution system, public wastewater collection system, drainage facilities, land preparation and grading, landscaping screens, ornamental street lights, street trees, temporary turnarounds and barricades, street name signs, and permanent survey monuments have been completed or the subdivider has submitted a bond or an approved escrow of security agreement to guarantee their completion.
- 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
  - 3.2.1 To submit to the Director of Public Works an erosion control plan.
  - 3.2.2 To protect the remaining trees on the site during construction and development.

- 3.2.3 To submit to lot buyers and home builders a copy of the soil analysis.
- 3.2.4 To continuously and regularly maintain street trees and landscape screens.
- 3.2.5 To complete the private improvements shown on the preliminary plat.
- 3.2.6 To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
- 3.2.7 To comply with the provisions of the Land Subdivision Ordinance regarding land preparation.
- 3.2.8 To inform all purchasers and users that the land is located within the 100 year flood plain and that the grading of the lot shall be in conformance with the grading plan approved with the Carroll M5 Industrial Park Preliminary Plat #01007 or as amended by the Director of Planning. The volume of fill material brought into each lot from outside the flood plain shall not exceed that shown on the approved grading plan accompanying the preliminary plat.

The findings of the Planning Commission will be submitted to the City Council for their review and action. You will be notified by letter if the Council does not concur with the conditions listed above.

You may appeal the findings of the Planning Commission to the City Council by filing a notice of appeal with the City Clerk. The appeal is to be filed within 14 days following the action by the Planning Commission. You have authority to proceed with the plans and specifications for the installation of the required improvements after the City Council has approved the preliminary plat. If you choose to construct any or all of the required improvements prior to the City's approval and acceptance of the final plat, please contact the Director of Public Works before proceeding with the preparation of the engineering plans and specifications. If the required minimum improvements are not installed prior to the City Council approving and accepting any final plat, a bond or an approved Agreement of Escrow of Security Fund is required.

The approved preliminary plat is effective for only ten (10) years from the date of the City Council's approval. If a final plat is submitted five (5) years or more after the effective date of the preliminary plat, the City may require that a new preliminary plat be submitted. A new preliminary plat may be required if the subdivision ordinance or the design standards have been amended.

You should submit an ownership certificate indicating the record owner of the property included within the boundaries of the final plat when submitting a final plat.

The Subdivision Ordinance requires that there be no liens of taxes against the land being final platted and that all special assessment installment payments be current. When you submit a final plat you will be given forms to be signed by the County Treasurer verifying that there are no liens of taxes and by the City Treasurer verifying that the special assessment installment payments are current.

Sincerely,

Russell J. Bayer, Chair  
City-County Planning Commission

cc: Owner  
Public Works - Dennis Bartels  
LES  
Alltel Communications Co.  
Cablevision  
Fire Department  
Police Department  
Health Department  
Parks and Recreation  
Urban Development  
Lincoln Public Schools  
County Engineers  
City Clerk  
File (2)

## **LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**

**P.A.S.#:** Preliminary Plat #01007  
Carroll M5 Industrial Park

**Date:** July 11, 2001

**\*\*As Revised by Planning Commission 08/08/01\*\***

**PROPOSAL:** Tom Cajka, of Ross Engineering, on behalf of Ceejay L.L.C., is proposing a Preliminary Plat of 12 commercial lots and one outlot off Cleveland Avenue, west of N. 27<sup>th</sup> Street.

The following waivers are requested:

- Sidewalks on N. 25<sup>th</sup> and N. 26<sup>th</sup> Streets.
- Reduction in the minimum centerline radius for curves from 150 feet to 51.5 feet.
- Storm water detention facility.

### **GENERAL INFORMATION:**

**APPLICANT:** Ceejay L.L.C.  
12864 Bradshaw Street  
Overland Park, KS 66213

**CONTACT:** Tom Cajka  
Ross Engineering  
201 N. 8<sup>th</sup> Street - Suite 401  
Lincoln, NE 68508  
(402) 474-7677

**LAND OWNER:** Ceejay L.L.C.  
12864 Bradshaw Street  
Overland Park, KS 66213

**LOCATION:** N. 27<sup>th</sup> Street and Cleveland Avenue

**LEGAL DESCRIPTION:** Lot 200 I.T., located in the NE 1/4 of Section 13, T10N, R6E of the 6<sup>th</sup> P.M., Lincoln, Lancaster County, Nebraska.

**REQUESTED ACTION:** Approve preliminary plat

**EXISTING ZONING:** I-1 Industrial

**SIZE:** 9.46 acres, more or less

**EXISTING LAND USE:** Mobile home court

**SURROUNDING LAND USE AND ZONING:** The P Public Use zoned wastewater treatment plant is to the west, H-3 Highway Commercial retail and commercial uses are to the north and east, and an I-1 Industrial zoned mobile home court lies to the south across Theresa Street.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Land Use Plan designates this area as Industrial and Commercial.

**HISTORY:**

<b>June 20, 1955</b>	City Council approved Special Permit #59, which permitted a mobile home court on the property.
<b>1979</b>	The property was converted from K Light Industrial and H-2 Highway Commercial to I-1 Industrial and H-3 Highway Commercial in the <b>1979 Zoning Update</b> .
<b>February 16, 2001</b>	The Planning Director approved Administrative Amendment #01006 to Special Permit #59, which adopted a plan to phase out the existing mobile home court.

**SPECIFIC INFORMATION:**

**UTILITIES:** Available.

**TOPOGRAPHY:** Generally flat; there is a four foot elevation difference between the high point and the low point.

**TRAFFIC ANALYSIS:** Both N. 27<sup>th</sup> Street and Cornhusker Highway are principal arterials in the Existing and Future Functional Street and Road Classification.

**PUBLIC SERVICES:** The closest fire station is located near N. 14<sup>th</sup> Street and Adams Street.

**REGIONAL ISSUES:** Reduction of flood storage capacity.

**ENVIRONMENTAL CONCERNS:** Additional construction in the flood plain.

**AESTHETIC CONSIDERATIONS:** Removal of many mature trees because of grading and fill.

**ALTERNATIVE USES:** A design incorporating “no net rise” principles that preserves existing mature trees, many of which are of substantial height.

**ANALYSIS:**

1. This application is for 12 commercial lots and one outlot. The outlot will serve as the private roadway and public access easement through the subdivision.

2. The entire site lies within the 100 year flood plain. The proposed buildings will be flood proofed to one foot above the 100 year flood elevation. The applicant states, "the net required embankment within the proposed buildings is 11,333 cubic yards and the net required embankment within the parking lots, drives and open space is 2,625 cubic yards, with a total net amount of off site borrow of 13,958 cubic yards for the entire site." The applicant has submitted a Flood Plain Development Permit. No attempt has been made to borrow fill on site.
3. The applicant is requesting a waiver to sidewalks because "the street within this development will serve only the lots within the site... and would not tie into Cornhusker Highway or 27<sup>th</sup> Street." The waiver should not be granted. As Public Works & Utilities notes: "This area will have a majority of truck traffic and for the protection of the pedestrian traffic a sidewalk system should be required as outlined in the ordinance." The tract of land is neither of such an unusual size or shape, nor is it surrounded by unusual conditions such that strict application of standards would result in actual difficulties or substantial hardship or injustice. Sidewalks should therefore be provided.
4. Regarding the request to waive the centerline radius, Public Works & Utilities states that they "will support the requested waiver if the curb radius on the southeast corner is increased to a minimum of 45' to allow a WB-50 turning maneuver. The NE radius off Theresa Street also needs to be a minimum of 45' for entering oversized vehicles."
5. Public Works & Utilities will support the requested storm water detention/retention waiver "because of the close proximity to Salt Creek and the improvements on the Waste Water Department's property for storm water drainage control."
6. The site plan includes information that is neither required by the subdivision ordinance nor appropriate for a preliminary plat. The building and parking stall summary, building envelopes and associated dimensions, and parking lot layouts should be removed from the site plan. The City cannot regulate building sizes and envelopes through the platting process alone.
7. The Land Use Plan designates this area as Industrial. Although a mobile home court currently exists on the land, the Comprehensive Plan discourages residential uses in industrial areas (p 43). The proposed plat conforms with the Comprehensive Plan and the flood plain development regulations in the Zoning and Subdivision Ordinance.

**STAFF RECOMMENDATION:**

Conditional Approval

**Waiver Requests:**

Sidewalks:	<b>Denial</b>
Storm water detention:	<b>Approval Denial (**Per Planning Commission 08/08/01**)</b>
Curve centerline radius:	<b>Approval Denial (**Per Planning Commission 08/08/01**)</b>



## CONDITIONS:

### Site Specific:

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Prepared by:

Jason Reynolds  
Planner

# **PRELIMINARY PLAT NO. 01007, CARROLL M5 INDUSTRIAL PARK,**

## **PUBLIC HEARING BEFORE PLANNING COMMISSION:**

July 25, 2001

Members present: Krieser, Hunter, Steward, Taylor, Newman, Duvall, Carlson, Schwinn and Bayer.

Planning staff recommendation: Conditional approval.

### Proponents

**1. Tom Cajka of Ross Engineering** testified on behalf of the owner, **Ceejay, L.L.C.** This development is for 12 commercial lots and one outlot on approximately 9 acres zoned I-1 and H-3. The development will have private roadways, including No. 25<sup>th</sup> Street, No. 26<sup>th</sup> Street and the extension of Cleveland Avenue. The current use is a mobile home park and Cajka stated that the developer wants it known that this is a long range plan. He has no exact timetable for development but that it will probably occur over the next 5 years. The developer has not sent notices to any of the mobile home tenants. He plans to do this through attrition. If the trailers come up for sale or as people move out he will buy the mobile homes or will not allow new tenants.

Currently, the first lot in the northern area is being developed where there are no existing trailers or mobile homes.

Cajka pointed out that the property is within the 100-year floodplain. The developer currently has an approved fill permit for Lot 1. The development will have public water and public sanitary sewer throughout. The only private part would be the roads, and those would be maintained through an association. The water main will tie on at 27<sup>th</sup> Street, will extend down Cleveland Avenue and then down 25<sup>th</sup> Street. Currently, there is an existing 8" sanitary sewer main that runs the entire length of the development on the east boundary. They would tap into that for the lots on the east side. They would also extend the sewer down Cleveland and down No. 25<sup>th</sup> for the lots on the west side.

Cajka believes that drainage is the issue that people would be concerned about. Through grading, the drainage would be north onto Cleveland Avenue. The north area of the development will drain towards the northwest; and the majority of the development will drain towards the southwest and then west onto the Theresa Street sewage plant property and eventually into Salt Creek.

Cajka agreed with the conditions of approval, except #1.1.11 regarding sidewalks. This area is going to be developed as commercial warehouses. Pedestrian traffic through this area will be minimal except for people working in the area or going there for business. There are currently sidewalks on Theresa Street and 27<sup>th</sup> Street. It is believed that the only pedestrian traffic would come from another trailer court to the south. However, if people want to walk from that trailer court to K-Mart or SuperSaver, they would most likely use the sidewalks on Theresa and go to 27<sup>th</sup> Street. Cajka does not believe they would cut through the commercial area and then in between the motel and restaurant.

Steward inquired as to the intended use of Lot 12. Cajka stated that the developer is not sure at this time. The reason it is shown like it is is because that is the H-3 zoning where the remaining of the area is I-1. This developer also owns the lot to the east. They may come back at a later date and extend that lot or may come back and ask for the H-3 to be changed to I-1.

Carlson noted that there is some mention of bringing fill onto the site. Are you excavating fill on the site as well? Cajka stated that the requirement is to bring the buildings/pad sites 1' above the 100-year floodplain or to floodproof the buildings. The building on Lot 1 where they have the fill permit is going to be floodproofed. They will not be bringing in fill throughout the whole site to make the pad sites 1' above the hundred year floodplain. The buildings will have to be floodproofed. There is an off-site borrow of 13,958 cubic yards. Carlson was curious about excavating some of that fill on-site. Cajka could not answer the question.

### Opposition

**1. Linda Brooks**, 2525 Cleveland, testified in opposition. She is a concerned homeowner that resides on the property in question. She received a copy of the staff report and has become quite concerned by this proposal. How can you build in the floodplain? There are plans for development of 12 commercial lots off of Cleveland. If this is approved, where does this leave 80 residents that now own or rent mobile homes on that property? Who is going to be responsible to see that we have somewhere else to move? She also noted in the staff report that an administrative amendment was approved to phase out the existing trailer court. She believes that the residents of the trailer court should see what is going on with this phase out program. Most of these people are low income. Personally, she thought management should be able to put money back in to upgrade the mobile home park, but yet we're getting sold out to industrial. Isn't there enough industrial on 27<sup>th</sup>? It is unfair to these residents. What happens? What's the time limit? Where is our protection? Some of the homeowners did receive a letter advising that the owner is doing some construction work on the north end, indicating that the development of the property is subject to many considerations because it is in a floodplain. How can you save the mobile home park and add in these 12 lots? The letter was dated July 10, 2001.

Carlson asked Ms. Brooks whether she has a written lease. Her response was that none of the tenants have a written lease. We pay lot rent but it all goes to the same **resource**.

Newman inquired whether it is a month-to-month lease where it can be terminated at any time. Brooks concurred. After the first six months you pay by the month.

Steward asked whether Ms. Brooks has ever had any flooding problems. Her answer was no, because they were all required to put the trailers up on blocks. Steward then asked if she has experienced water on the property. Ms. Brooks stated that the kind of water they have been getting is when there is a lot of rain. The land is not level so they do get runoffs; it's a more natural type drainage.

**2. Carroll McBride**, 2525 Cleveland Avenue, another tenant in the mobile home park, testified in opposition. He has lived there since May of 1969. Who tells who what is going on? Where do you get the information? No one knows. On Friday he talked with Jason Reynolds in the Planning Department and got information from him. He was wonderful help. On Monday he went to the management and

inquired and was told that they were just going to move a couple of trailers that are on the north side of the lot. There are no plans whatsoever to deal with the rest of the park. McBride believes this is a real problem—a tremendous socio-economical problem. Development has already started on the north part, the part closest to Cornhusker Highway. They're putting two warehouses in there and he has no problem with that. But then comes this proposal and rumors start flying. Something has to be done about this. There are people who live there for a reason. It is economical. The only reason he can do what he does is because it is economical to live there. He believes there are approximately 80-85 families living in the trailer park. We have people who have planned their retirement there. We've got people that are going to college--our future doctors and lawyers. We all help each other out. If we move anywhere, we have a social problem.

McBride also believes it is an environmental problem—the impact will be horrendous. Wherever you put pavement, rooftops and sidewalks, you're going to have water runoff. We used to have the water recharging the aquifer and we would use that water, but not any longer—pave it over, make it impermeable and let the other poor Joe down the line worry about it. McBride is opposed for a lot of reasons, but he is also in favor for some reasons. He is in favor of the two warehouses, but not the additional phases.

**3. David Fischer**, who owns Frontier Harley-Davidson at 2801 No. 27<sup>th</sup>, adjacent to this proposal, stated that he takes a neutral position. The dividing line between Frontier Harley-Davidson and the bread store is a grass ditch and it has been a perennial drainage problem. The only question he raises is that he would hope that whatever happens to the property to the west will either mitigate the drainage problem or, at a minimum, does not exacerbate it. He has spoken with the engineering firm and the city and they are both aware of this drainage issue.

Fischer also pointed out that there is an easement with the owner of the trailer court on his south property line, dating back to the days when he owned all the properties. That easement gives access off 27<sup>th</sup> back into the trailer court. Fischer does not believe that easement is necessary, and it absolutely is not necessary if this project goes forward. They have access from Cleveland and Theresa Street. He would have a serious concern about truck traffic coming through his parking lot if it is industrial/commercial uses.

Steward asked Fischer about his relationship with the residents in the mobile home park. Fischer stated that he generally has a good relationship with the neighbors. He has experienced some minor vandalism from kids, but he thinks that can happen anywhere. There have been no problems of any significance.

Steward believes that there are protections for eviction and relocation if there are persons living in rental properties, especially if of low income circumstance. Do we have anything in Lincoln for site rental/trailer park conditions? Reynolds was not aware of any. He suggested that it might be a question for Urban Development. There are a number of programs available for low income residents; however, the staff has not referred anyone to that resource for assistance.

Bayer asked staff whether the owner has met with the tenants. Reynolds understands from the tenants that they received a letter from the owner but he is not sure how clear it is.

Newman inquired whether this development will increase the water runoff from the west onto the Harley Davidson parking area. Nicole Fleck-Tooze of Public Works advised that they are importing about 14,000 cubic yards of fill on a fairly small site and have not borrowed any fill from the site. They are proposing to floodproof the buildings which minimizes the additional fill. It is a straight preliminary plat which conforms to our existing floodplain regulations. They are meeting the current requirements. However, she did advise that there is a floodplain task force that will be working in the next year to see if those regulations need any changes.

Dennis Bartels of Public Works reviewed the drainage plan. The majority of the site, other than a very small area in the vicinity of the Harley Davidson property, has been designed to drain towards the west, so any extra runoff that might be generated through the course of development will not affect the Harley Davidson property. There was some drainage from the trailer court site onto the Harley Davidson property, but that area is reduced by the grading plan. Bartels believes there could be minor changes to the grading plan that could reduce it further. The grading would be the responsibility of the developer. This is all private property.

Hunter wondered whether a trailer park can continue to exist if this preliminary plat is approved. Reynolds advised that the preliminary plat would expire after 10 years if not developed. There is no mandate on when they have to develop in accordance with the plat. It could continue to exist until the preliminary plat is final platted.

#### Response by the Applicant

Cajka indicated that he knew there would be a question about the owner meeting with the neighbors. Ross Engineering has not met with the neighbors and, as far as he knows, the owner has not either. The owner did send the letter out at Cajka's suggestion, especially since construction had already started on the north lot. When the letter states that no trailers would be moved, he is speaking about Lot 1 on the very north because that is on an area that was just a grass area. They should be able to do that without relocating anyone.

Cajka clarified that the owner is not asking for a special permit. There was a special permit to phase out the park which was approved earlier, but that is in five phases. Even when the mobile home park is going to start to be phased out, he does not believe the intent of the owner is to final plat the entire development at one time. The developer has told Cajka that he is not in any big hurry to do this. It may be several years before he starts doing any of the other phases.

Cajka reiterated that the proposed plat conforms with the Comprehensive Plan and the floodplain development regulations. He understands the residences have lived there for a long time, but this would be removing residential uses out of the floodplain, which is also in conformance with the Comprehensive Plan.

Steward asked Cajka, as a representative of a professional organization, whether he believes Ross Engineering has any responsibility for the social community aspects of this issue. Cajka believes the developer has some responsibility and Cajka believes he has looked into that by not trying to develop all of this at one time and going through eviction notices. Rather, he is taking the long term approach by either buying up trailers that come up for sale or waiting for people to move out and not letting new tenants into that area. Steward suggested that it does seem that we have a community of people that are not being adequately communicated with.

Taylor asked whether there a time limit at all for the phasing out so that the tenants are told when they have a certain amount of time to leave, or are they allowed to stay there as long as they desire? Cajka was not aware of the timeframe or the phasing out of the trailer court. All he has been told by the owner is that at this point he is not in a hurry to do that. He indicated it would be more than 5 years down the road. It's not definite. Taylor suggested that it would be a good idea for the owner to communicate with them and let them know what his intentions are.

Carlson assumed the owner has some sort of on-site management or representation. Cajka advised that the owner lives in Kansas City and he does have an on-site manager. Carlson wondered whether there might be some possibility of having a neighborhood meeting. Cajka stated that he would talk with the owner.

Bayer suggested that the Commission should delay this and not have it come back until the owner has met with the residents and possibly the Urban Development Department so that these people are not terrified.

Newman inquired about the 2/16/01 administrative amendment to allow the special permit to phase out the mobile home park. Is there any regulation that requires the Planning Department to let the people involved know about this action? Reynolds advised that there are no notification requirements in the ordinance on an administrative amendment. If it had been a special permit, then the same type of notification would have occurred as for this plat. The property owners would have been notified, which does not include most of the residents because they do not own the property.

Rick Peo of the City Law Department reminded the Commission that if a preliminary plat is in conformance with city standards for installation of improvements, it is basically a ministerial function on the Commission's part to approve it. It is not discretionary. With respect to termination of a special permit, the owner has the right to abandon or give up the use of a property. You cannot require a property owner to operate on a special permit if they choose to terminate it.

Bayer agreed that the property owner has rights to do what they want to do with the property. Peo agrees that there should be fair notice and communication to the tenants, but failure to meet with the tenants is not a basis for the Commission to use to not take action.

Schwinn moved to defer for two weeks, with continued public hearing and administrative action scheduled for August 8, 2001, seconded by Taylor.



Schwinn believes the property owners have obviously benefitted from having a trailer court there for many years. He also believes the City is probably a little bit behind the times in trying to eliminate trailer courts because Building & Safety, Fire and Health do not like them. He thinks the city has an obligation to step forward and help these people. He also believes that the property owner has the obligation to communicate with these tenants and to let them know what lies ahead.

Steward also requested that a representative of the Urban Development Department, or whatever appropriate department or agency, be present at the next meeting stand to help us understand where the city may have some leverage and where the gaps may exist for dealing with this particular issue.

Motion to defer carried 9-0: Krieser, Hunter, Steward, Taylor, Newman, Duvall, Carlson, Schwinn and Bayer voting 'yes'.

**CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:**

August 8, 2001

Members present: Taylor, Newman, Carlson, Hunter, Schwinn, Duvall, Steward and Bayer; Krieser absent.

**Proponents**

**1. Tom Cajka of Ross Engineering** advised that the owner/developer met with the residents of the mobile home park on August 2<sup>nd</sup>. Urban Development and the Lincoln Housing Authority also attended the meeting. The bulk of the meeting was to try to answer questions from the residents. Richard Carroll, the owner, answered the questions as best he could. Questions were also presented to Urban Development and the Housing Authority.

Before asking for further testimony, Bayer clarified the role of the Planning Commission on this application. The Commission's authority is very well defined with respect to a property owner and the property owner's rights.

**2. Marc Wullschleger, Director of the Urban Development Department**, appeared in a neutral position. His office has talked with Linda Brooks on almost a daily basis since this process began, and then Ross Engineering invited Urban Development to attend the neighborhood meeting. Wullschleger was sorry to say that Urban Development does not have a lot of tools to help the mobile home owners or renters. There are two options: 1) we can refer them to Neighborhoods, Inc. where they can purchase other homes, or 2) we can refer them to the Lincoln Housing Authority where there are several options for these mobile home owners and renters. Because there are no government funds involved in the replatting of this industrial area, Urban Development does not have any tools to help these people with relocation. Urban Development is also not allowed to relocate the mobile homes.

Schwinn asked Wullschleger to expand on his comment about not being able to relocate the mobile homes. Is there any specific code that doesn't allow us to move these homes? Wullschleger's response was that it is an urban myth that any mobile home over 15 years is not allowed to be moved. They are allowed to be moved at any age. But he has been told by a lot of the home owners that it is a problem to move and it is expensive. It might be hard to find a mobile home park that would take some of the older homes.

Steward then sought confirmation that the city has no relationship or no leverage over any existing mobile home park sites. Wullschleger agreed that to be true as far as helping the homeowners relocate their homes.

Bayer then asked whether there is anything the community can do to persuade the owner to do anything other than what he is by law allowed to do. You can't stop this property owner? Wullschleger agreed. The property is zoned industrial; the surrounding property is zoned industrial; and there are floodplain issues. When the Carrolls developed this property in the early 1950's, it was outside of the city limits and "they had not invented floodplain at that time". Because it was outside of the city at that time, it was zoned industrial.

### Opposition

**1. Linda Brooks** testified in opposition. She has played a big part in trying to get some help for the tenants. She has talked with Urban Development. A gentleman in Fair Housing in Omaha told her to get a hold of the mediation center here in Lincoln, but both sides have to agree to mediation before the mediation center will get involved. When contacted by the mediation center, the owner said there was no need for mediation and that this would be between the owner and a few of the residents. The mediation center asked the owner if there would be an official letter to each person in the trailer park about the neighborhood meeting. The owner told them "no". He had someone else in the trailer park spread the word. Brooks stated that she did the notification of the meeting and she put out questionnaires for every resident in the trailer park. 90% of the people in the trailer park do not even know who the owner of the property is. No one has stepped up to help us. We have over 100 people involved in these trailers. We cannot sell our trailers because no one will want to take them off the property.

We cannot afford to move them because it will cost \$1200-\$1500. She believes that the owner is responsible for these people being on the property. She believes there should be compensation to the people that own the trailers or some relocation fund set up for them. None of the mobile home owners or renters are guaranteed anything. The owner has done a lot of damage by not informing us that we were on a phase-out plan or that he was adding 12 lots. She acknowledged that they were advised about the one on the north end. They have chopped down one trailer; they've flagged another one; this opens up the land and tells us that this five-year phase-out is not going to be a five-year phase out.

**2. Leroy Downey**, 2525 Cleveland, testified in opposition. He purchased a home in this trailer park on July 1<sup>st</sup> of this year. He did get the letter and he contacted the manager, who told him that nothing was going on except for the lot on the north end. In the meantime, he has received the blueprints for all 12 lots and he believes the residents will all be out of there within 18 months.

**3. Robert Nestor(sp), Sr.** testified in opposition. He requested that the Commission must consider not approving this because of the senior citizen component. His wife has had 5 bypasses, has colon cancer and diabetes, and is 95% blind. His nephew was born hard of hearing and has a speech defect.

**4. Mr. Rodriguez,** 2525 Cleveland, testified in opposition. The owner has made it quite clear that he would not be purchasing the trailers or moving the trailers. There are no options left. The owner indicated that he may consider giving a 90 day notice—"maybe". The residents requested at least a one-year lease to give them time to get on waiting lists for other places to live, and the owner told them "no", because whenever he "received enough money to build we were done."

**5. Carroll McBride,** 2525 Cleveland Avenue, testified in opposition. The residents have been lied to; been misinformed; and been taken advantage of. The first place you go to is your city government and he believes the city government should help. The best place to address a problem is in the beginning. He believes that the Commission appears to have already made a decision. He wishes the Commission had an open mind.

Bayer responded that it is not that he doesn't have an open mind. The Commission is doing what they are allowed to do and within the realm of what a property owner has the right to do. This board has no control over money. The Planning Commission does not have the authority to dictate the answers. These residents need to work with the City Council. The City Council has more opportunities to help, if they can.

McBride believes the Commission has a tremendous opportunity at this time to affect change. Bayer stated that the Commission has to do certain things within the law. This is a land use issue for land that is zoned I-1 and the property owner has certain rights. The Commission does want to do as much as they can for the residents. The hearing was delayed for two weeks to encourage the owner to work with the residents and the residents are encouraged by the Commission to go to the next level. McBride believes that at this level the Planning Commission could deny further building and allow the warehouse at the north end. It is the developer that has made promises.

#### Staff questions

Newman noted that the Commission is being told that they have to move this forward because it is an administrative action; however, the owner is asking for a waiver of sidewalks. Can we deny the plat based on the waiver requests? Jason Reynolds of Planning staff stated that the conditions of approval require that the sidewalks be shown on the plat and the applicant is not disputing that. The subdivision ordinance provides that if, after public hearing, the Commission finds the proposed preliminary plat complies with the ordinance, it shall approve the preliminary plat.

Newman noted that in February a similar situation came up where there was a preliminary plat seeking waivers of the floodplain requirements and she asked that a new floodplain ordinance come forward with no net rise. She understands there will be a committee formed in the next year. Can we put this plat on pending until after that committee meets and comes up with a solution? Dana Roper, City Attorney, advised that if the preliminary plat meets the existing requirements of the subdivision ordinance, the Commission needs to act and move it forward.

Bayer against sought confirmation that there is no opportunity for funding from the federal level, i.e. grants. Would the city have the right to find money to do this, or does that set a wrong precedent for eviction from a neighborhood because of property owner rights? We're in a tough situation here. Wullscheleger explained that the city is in the middle of a budget cycle. We are not treating these homeowners any different than any other homeowners. This is an unusual case. If it did involve any type of city, state or federal funds, we would be there to help with relocation.

Steward commented that this strikes at the very fiber of everything that he personally and professionally holds valuable on human rights. Not that the city is at fault, but it points out that we have a gap and an oversight in our laws and regulations that provide for such eventuality, never having anticipated such an event. He disagrees that what we are doing is treating these folks as we would every other homeowner—they are not in a typical homeowner situation. The type of home that they are in and the economic conditions that most of the people are in is different. Steward believes it requires a different set of civic responses. But without an ordinance, none of us have the capability of dealing with that. So the question is, what would it take and who would Urban Development go to if the goal was to help create an ordinance? How can the city advise on an approach that becomes legal in an orderly, sensitive way? Wullschleger stated that “the buck would start here at Urban Development”. He believes that they would convene a task force or pass this to the Community Development Task Force to look at some type of funding, whether it be city or federal. Steward urged that there is some urgency greater than our normal slow wheels of forming committees and progress.

Steward further noted that the Commission has been told that the owner intended only to do the north end, and that while they were doing it staff wanted them to plat the whole thing if that was the eventual condition. Reynolds explained that the owner needed to provide a phasing plan to phase out the mobile home court in order to develop the lot at the north end. There was an area on the north that did not have any mobile homes and was covered by the special permit. They needed that area removed from the special permit and submitted a phasing plan for removal of the rest of the special permit. Steward asked whether the Commission could limit the approval of the plat to Phase I. Ray Hill of Planning staff advised that the land subdivision ordinance indicates that any time you create a parcel 10 acres or less it must be approved by the city. The total area is only 9 acres so there is no way the Commission could leave out any part in the subdivision process.

Duvall commented that the Urban Development funding is block grant funds to benefit low to moderate income, slum, and blight, so he believes the objectives are there. He believes those funds should be earmarked to help these folks. We need to set up a policy to help in this situation. Wullschleger responded, stating that Lincoln Housing Authority does have funds. He believes that LHA is able to help these people relocate their mobile homes. (The audience disagreed with this statement). HUD will not allow Urban Development to do that.

**McBride** was allowed to speak again. Approximately 10 years ago there was a bill introduced into the Nebraska Legislature because mobile home owners in an adjacent town were in the same battle. It never made it through the hearing. However, a similar bill has made it through and is law in California. If the Commission is looking for a way to help the people that take the low paying jobs, the Commission might take a look at that legislation.

Public hearing was closed.

## **ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

August 8, 2001

Hunter moved to approve the Planning staff recommendation of conditional approval, seconded by Schwinn. Reynolds clarified that the staff recommendation approves the waiver to reduce the centerline radius and stormwater detention. Hunter clarified that her motion would not approve any waivers, thus Condition #2.1 and #2.2 which grant the waivers would be deleted. Schwinn, who had seconded the motion, concurred.

Carlson asked whether the Commission could vote to deny the plat based on the waivers and force the applicant to resubmit and require them to show everything to be in conformance. Reynolds advised that the recommendation of the Planning Commission is advanced to City Council whether it is approval or disapproval.

Schwinn pointed out to the Chair that the applicant was not given the opportunity to rebut the testimony in opposition during the public hearing. Cajka indicated that he had no further testimony.

Hunter believes that the Commission has been in the position of "having their hands tied" in a few situations. In this case, the place the opposition can make something happen is not this Commission. Addressing the opponents, Hunter stated, "you are not property owners, but renters". Notification on these applications goes to property owners and surrounding property owners and that is the specific reason why the notification did not take place. The Commission is not here to pass moral judgment. In reality, the property owner has a right to use his property in the method that he chooses to use it and develop it. She does not know whether there is a way to solve the movement of these people in this mobile home community. This issue is so significantly special and different than most of what the Planning Commission sees. Maybe the result is not with public money. This application is going to move to City Council one way or the other. Again addressing the opposition, Hunter urged that for future reference, "always have a lease; always have something that gives you the right to have some sort of time period. On a 30-day lease period you are at the mercy of the owner." Hunter would like to see something happen in this city. This city is large enough to do that. This is not a motion she is proud to make but one she has to make.

Steward agreed with Hunter's point that this is a community values responsibility and as civic servants and residents of this community, it is imperative that we find a way to work it out.

Carlson also commented that City Council is going to be the appropriate venue in which to have this discussion and hopefully there can be some resolution. He reiterated that anyone who is renting needs to get a written lease—"read it and don't sign it until you understand it because it is your protection".

Newman stated that "it makes me sick to make me vote for this. Our hands are tied. My apologies." She is hopeful that the residents will get together with Urban Development and form a tenants rights organization and get moving. There are rental property owners organizations out there. It is time for your rights to be heard.

Duvall will vote in opposition because there are greater issues here.

Schwinn will vote in favor because the Commission does have its hands tied. If the Commission voted against it, it would be appealed to the City Council. If the City Council voted against it, it would be brought into the court of law and the 5<sup>th</sup> Amendment gives people rights over their own property. He is sure the City would be destroyed in a court of law on something like this. "There is no greater advocate of affordable housing and the needs of lower income housing than me. I will probably be involved in this in the future and we will try to find some way to make it work."

Taylor would prefer to vote to deny this. He believes the Commission could vote to deny as a matter of protest. This is a grave injustice against these people.

Hunter believes it may be a positive step to move forward with this and move it into a purview where something can be done. She sees no responsible way to deny this. If the homeowner took this to a legal battle, it's a battle that the residents could not win because it is a landowner's rights situation.

Bayer called the question.

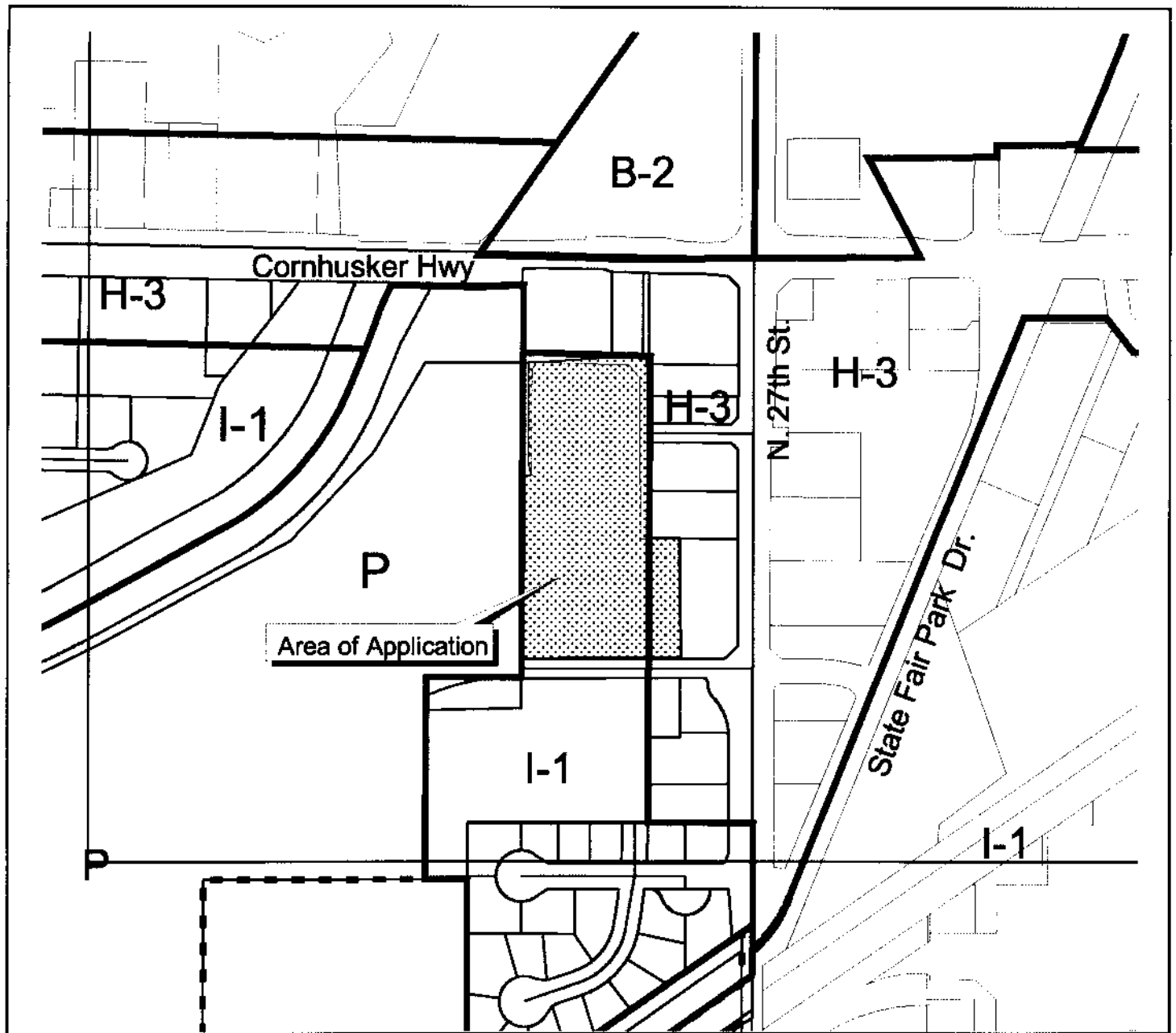
Hunter clarified that the motion does not allow any waivers or exceptions.

Motion for conditional approval, denying all waiver requests, carried 7-1: Taylor, Newman, Carlson, Hunter, Schwinn, Steward and Bayer voting 'yes'; Duvall voting 'no'; Krieser absent.



**Preliminary Plat #01007  
N. 27th & Cleveland Ave.  
Carrol M5 Industrial Park**



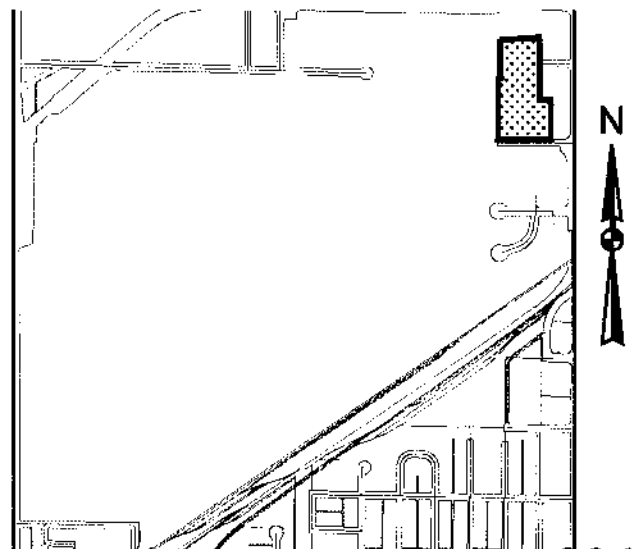
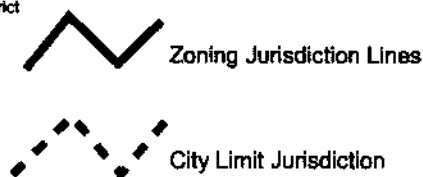


**Preliminary Plat #01007**  
**N. 27th & Cleveland Ave.**  
**Carrol M5 Industrial Park**

**Zoning:**

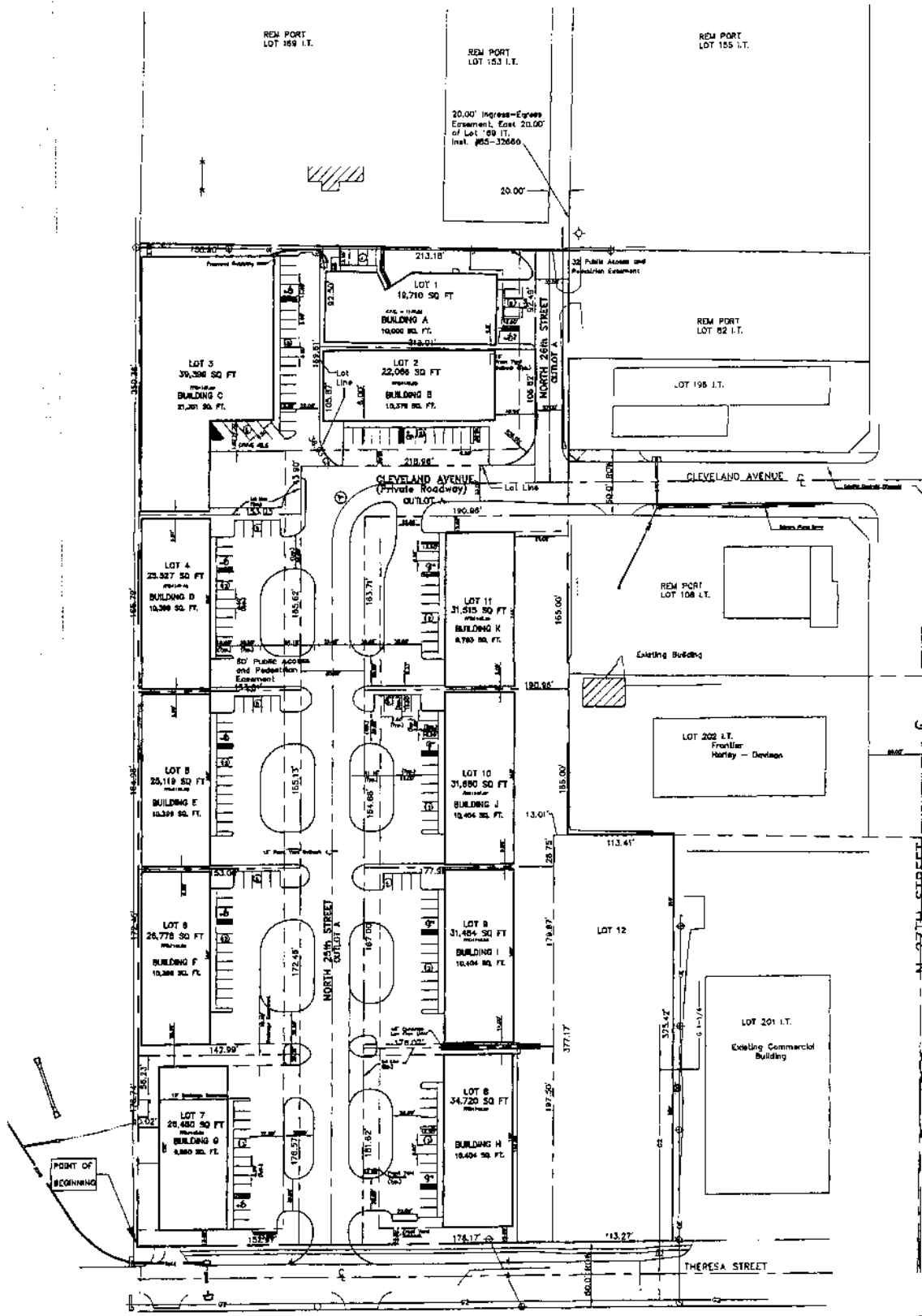
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
 Sec. 13 T10N R6E



Date: 7-11-02  
 Lincoln City - Lancaster County Planning Dept.





Date: 7-16-01

North

## GENERAL NOTES

1. The property included within the limits of the Preliminary Plat consists of 9.28 acres and is zoned I-1 Industrial District and H-3 Highway Commercial District.
2. The proposed Development shall consist of buildings on 12 Commercial Lots and one Outlot. The Outlot shall be used for common access and includes the Private Roadways and utility easements.
3. All structures shall conform to the maximum height of 75 feet as identified in the I-1 Industrial District and 45 feet in the H-3 District.
4. Private Roadways shall be 27 feet or 33 feet wide, as shown on the Site Plan, and constructed in accordance with City of Lincoln Design Standards.
5. Private Roadways shall be either 24 inch wide concrete curb and gutter with recycled asphaltic concrete pavement, or concrete pavement with integral curb. A Public Access, Pedestrian, and Utility Easement shall be provided over the entire Outlot.
6. The proposed water mains shall be Public and constructed by means of an Executive Order. Water Main Easements shall be provided for any water main located outside of the limits of the Public Street ROW.
7. The proposed sanitary sewer mains shall be Public and shall be constructed by means of an Executive Order. Sanitary Sewer Easements shall be provided for any sanitary sewer main located outside of the Public Street ROW.
8. Street lighting shall be Private and shall be constructed in accordance with the requirements of LES.
9. Care will be taken in the removal of existing trees, to remove only trees required due to site grading and construction of the proposed structures, Private Roadways, drive, parking lots and utilities as shown on the Site Plan.
10. Existing contours have been developed from actual field surveys completed in March 2001, and are based upon North American Vertical Datum of 1988.
11. Any relocation of existing utilities shall be at the expense of the Developer.
12. A Property Owner's Association shall be formed to ensure maintenance of the common open areas, Private Roadways, Storm Sewer and drainage improvements, and lighting.
13. The existing and adjacent property is located within the limits of the 100 Year Flood Plain, as indicated on the FEMA Panel 25. The property shall be filled as indicated on the Grading Plan and in accordance with the Flood Plain Permit and requirements of NOI Permit.
14. All buildings shall be flood proofed to an elevation of a minimum of one foot above the 100 Year Flood Plain Elevation and in accordance with the approved Flood Plain Permit. Entire site is in a 100 Year Flood Plain, with an Elevation of 1147.60, 1988 NAVD Datum.
15. The Developer requests a waiver for sidewalks.
16. A blanket utility easement, except for building envelopes is provided over the entire site. Any relocation of existing facilities will be at owner/developer expense.

# Memorandum

**To:** Jason Reynolds, Planning Department  
**From:** Charles W. Baker, Public Works and Utilities *CWB*  
**Subject:** Preliminary Plat # 01007, Carroll M5 Industrial Park  
**Date:** July 5, 2001  
**cc:** Roger Figard, Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the revised site plan and the requested waivers in response to the Planning Directors letter dated May 31, 2001. Public Works has the following comments referencing the numbered items in the response letter from Ross Engineering dated June 25, 2001.

Item 10. Public Works cannot support the request for a waiver of the sidewalks. Title 26.27.020 requires sidewalks be installed unless the lots are larger than 1 acre in size.

Item 16. The Grading Plan and the culvert installation at the proposed Bike Trail location on the Waste Water Dept. Property is satisfactory.

Item 17. The addition of the Sedimentation Basin Typical to the Drainage Plan is satisfactory.

Items 18,19,20,21,22,23,25,and 27 are satisfactory.

## Requested Waivers

a. Sidewalks. See Item 10 above.

b. Waiver of the center line radius from 150' to 51.5' on the horizontal curve at Cleveland Ave. and N. 25th Street. Public Works will support the requested waiver if the curb radius on the southeast corner is increased to a minimum of 45' to allow a WB-50 turning maneuver. The NE radius off Teresa Street also needs to be a minimum of 45' for entering oversized vehicles.

c. Public Works will support the requested storm water detention/retention requirement because of the close proximity to Salt Creek and the improvements on the Waste Water Departments property for storm water drainage control.

# Memo



**To: Jason Reynolds, Planning Department**  
**From: Mark Canney, Parks & Recreation**  
**Date: June 28, 2001**  
**Re: Carol M5 Industrial Park**

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Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have compiled the following comments:

1. Landscape Plan needs to show street names and indicate whether they are private or not.
2. Flood tolerant tree species should be planted since plat is in the 100 year floodplain. Locust is not flood tolerant. Recommended substitute of either Patmore Ash or Swamp White Oak.
3. Revised landscape plan needs to be submitted for Parks Department Review.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248.

# City of Lincoln, Nebraska

## IMPORTANT

**All revisions to plans must include Building Permit # and Job Address.**

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

## Plan Review Comments

Permit # **DRF01072**

Address

Job Description: **CARROLL M5 INDUSTRIAL PARK**

Location: **CARROLL M5 INDUSTRIAL P**

Special Permit: **N**

Preliminary Plat: **Y 01007**

Use Permit: **N**

CUP/PUD: **N**

Requested By: **JASON REYNOLDS**

Status of Review: **Denied**

**6/29/2001 12:53:28 PM**

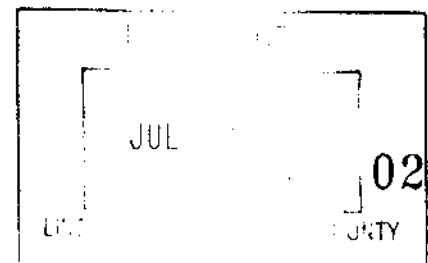
Reviewer: **FIRE PREVENTION/LIFE SAFETY CODE**

**BOB FIEDLER**

Comments: **Fire hydrants not shown.**

### Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 1997 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards



**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-OFFICE COMMUNICATION**

<b>TO:</b> Ray Hill	<b>DATE:</b> 7/5/2001
<b>DEPARTMENT:</b> Planning	<b>FROM:</b> Chris Schroeder Jerry Hood
<b>ATTENTION:</b>	<b>DEPARTMENT:</b> Health
<b>CARBONS TO:</b> Carole Douglas, Acting Director EH File EH Administration	<b>SUBJECT:</b> Carrol MS Industrial Park PP #01007

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed Carrol MS Industrial Park for any possible negative public health impacts. The following items are noted:

- \*Water supply is the City of Lincoln water supply.
- \*Sewage disposal will be the City of Lincoln collection system.
- \*All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- \*During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of vegetable ground cover will also be incorporated as necessary.
- \*Provisions should be made for retaining as much tree mass as possible. Alternately, the applicant will need to plan for disposal of tree waste by burying on site, grinding, offering for firewood or hauling to the landfill. Permits for open burning of tree waste within the city limits will not be approved and applications for burning within the 3-mile zone are unlikely to be approved.
- \*It is noted that this proposed development is in the 100 year flood plain and is proposed to be filled to one foot above the flood plain. Filling in this area will most likely raise the flood level on other properties.

# Memorandum

**To:** Ray Hill, Planning Department

**From:** Charles W. Baker, Public Works and Utilities *BWB*

**Subject:** Preliminary Plat # 01007, Carroll M5 Industrial Park

**Date:** May 24, 2001

**cc:** Roger Figard, Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the site plan for the proposed Carroll M5 Industrial Park located at 26th and Teresa Streets. Public Works has the following comments:

## Grading and Drainage:

1. The drainage behind Lots 10 and 11 is shown directed to the east. The existing area drain on Lot 108 I.T. is private and cannot be used without permission of the property owner. The storm water runoff should be directed to the north and picked up in the system in Cleveland Avenue.
2. The proposed drainageway to the west on the Wastewater Department's property needs to include the crossing of the proposed Bike Path that the NRD is constructing in the near future. This will require, at a minimum, a tube for the storm water to allow the bike path to remain at grade. Public Works will support this concept in lieu of a storm water detention facility.
3. The buildings are proposed to be flood-proofed to an elevation of one foot above the 100 year flood plain elevations of 1147.6.

## Paving, Sidewalks & Parking Lots:

1. The proposed private roadway system is satisfactory. A waiver is being requested to reduce the curve radii of Cleveland Avenue to Williams Lane from 150 feet to 51.5 feet. Public Works will support the proposed waiver on the grounds that the roadway system would operate with a "T" intersection at this location. However, with the proposed truck and oversized vehicle traffic, a curve will make the operation more efficient.
2. A sidewalk waiver is being requested that Public Works cannot support. This area will have a majority of truck traffic and for the protection of the pedestrian traffic a sidewalk system should be required as outlined in the ordinance.
3. The parking area north of Lot 1 that shows 4 parking stalls only has access from the adjoining property to the north. The loading dock adjacent also will have to encroach on the property to access the dock area with delivery vehicles. An agreement from the property owner of the Super 8 Motel will be required for access and use of their property for vehicle maneuvers at the loading dock.

LOWER PLATTE SOUTH  
NATURAL RESOURCES DISTRICT



3125 Portia St., Box 83581, Lincoln NE 68501-3581  
(402) 476-2729 • FAX (402) 476-6454  
www.lpsnrd.org

## Memorandum

**Date:** July 13, 2001  
**To:** Jason Reynolds, Planning Dept.  
**From:** J.B. Dixon, Stormwater Specialist, Lower Platte South Natural Resources District  
**Subject:** Carol M5 Industrial Park PP#01007

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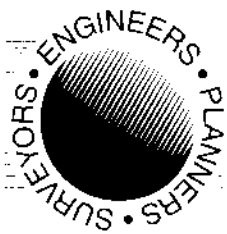
We have reviewed the Preliminary Plat of the project above. The proposed drainage way has been designed using 6" limestone rip-rap. An alternative to a hard-lined low-flow channel is incorporating erosion control blankets, with vegetation. The matting would be chosen using hydrologic data to choose the optimum product. Erosion control matting can be as durable as rip-rap, at the same time promote vegetation throughout the protected area. This is an alternative that the City of Lincoln, as well as our office, has supported. This application would suit this particular area nicely.

If you have any questions, feel free to call.

JBD/jbd

pc: file





**ROSS**  
**E**ngineering,  
**I**nc.

June 25, 2001

Ms. Kathleen Sellman, AICP  
Planning Director  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: Administrative Final Plat No. 01008  
Carroll M5 Addition  
REI Project No. 128301-B

**ESTABLISHED**

**1974**

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For the  
Future of  
Tomorrow*

Dear Kathleen:

On behalf of CeeJay Development, LLC we are resubmitting the Preliminary Plat for Carroll M5. The following corrections have been made as outlined in the Planning Director's letter of May 31, 2001:

1. The area north of the development, including up to the centerline of Cornhusker Highway is shown on the Site Plan.
2. The right-of-way widths for streets are shown.
3. Outlot "A" is labeled in several locations. Outlot "A" includes all of the private roadways.
4. Text has been moved to avoid overlapping.
5. Carroll Drive has been renamed to N. 26<sup>th</sup> Street and Williams Lane has been renamed to N. 25<sup>th</sup> Street. Carroll Place has been eliminated.
6. Lot dimensions have been labeled to avoid overlapping.
7. The thickness of street centerline has been reduced.
8. Water mains, sanitary sewer and hydrants have been moved to the Utility sheet.
9. Note #2 indicates the number of lots and Outlots.
10. We are requesting a waiver to sidewalks.
11. Legal description has been corrected.
12. Rear property lines are dimensioned.
13. City Council approval block has been removed.
14. The design spread of the Imperial Honeylocust trees are at 35 feet.
15. Notes have been added to the Landscape Plan as requested by Parks and Recreation Department. An aerial showing existing trees is included.
16. The proposed bike trail by NRD is shown on the Grading Plan and Drainage Plan. Culverts are shown where the bike trail is located.
17. A design detail of the sedimentation basin is shown on the Drainage Plan.
18. "Utility" has been removed from the "Public Access, Pedestrian and Utility" easement. A note has been added identifying a blanket utility easement.
19. Note 15 requesting parking in the front yard setback has been removed. The parking area for Lot 2 has been revised so that no parking is within the front yard setback.
20. A copy of the easement granting access to the south 20-feet and east 20 feet of Lot 169 Irregular Tract is included with this submittal.
21. The drainage behind Lots 10 and 11 has been revised to be directed north and to Cleveland Avenue.
22. North 26<sup>th</sup> Street has been changed from 26' width to 27' width.
23. Parking table has been revised.
24. Buildings L and M have been deleted.
25. Driveways on lots 4,5,6,7,8,9, and 10 are 30' in width.

The Candy Factory  
201 North 8th Street  
Suite 401  
Lincoln, NE 68508  
Phone 402.474.7677  
Fax 402.474.7678

1311 19th Street  
Suite 102  
Auburn, NE 68305  
Phone 402.274.4828  
Fax 402.274.4821

JUN 25 2001  
www.rossengineering.com

033

26. Lot 12 and 13 have been combined into one lot.  
27. All of the parking lot and driving aisle for Lot 3 is on Lot 3.  
28. Sheet numbers have been corrected.  
29. The Phasing Plan has been revised to match the phasing plan for Administrative Amendment No. 01006.

We are requesting the following waivers to design standards:

- a. Delete sidewalks on N. 26<sup>th</sup> Street and N. 25<sup>th</sup> Street. The development is located off of N. 27<sup>th</sup> Street and is behind existing buildings that front on N. 27<sup>th</sup> Street. The streets within this development will serve only the lots within the site. Pedestrian traffic will be very minimal. The sidewalks would only serve the development and would not tie into Cornhusker Highway or 27<sup>th</sup> Street.
- b. Allow a reduction in the minimum centerline radius for curves from 150-feet to 51.5-feet. The proposed streets are to serve this development only. The reduction in the horizontal curve will help lower the speed of traffic. We do not want to encourage drivers to speed through this area. We do not envision people using the proposed streets other than to arrive at one of the buildings.
- c. Storm-water detention/retention facility. We are requesting this waiver because of the proximity of Salt Creek to the site. The drainage plan shows that storm-water runoff will surface drain primarily to the southwest. After leaving the site, storm-water runoff will drain through a proposed drainage-way west of the site. We have discussed proposed drainage improvements and easements with Randy Wilson of Wastewater operations at Theresa Street. Mr. Wilson has indicated that they are willing to work with us on drainage issues.

This application includes the following:

1. Site Plan	17 copies
2. Existing Topographic Site Plan	7 copies
3. Street Profile	7 copies
4. Grading Plan	7 copies
5. Drainage Area Plan	7 copies
6. Utility Plan	7 copies
7. Phasing Plan	7 copies
8. Aerial Plan	7 copies
9. Easement	1 copy

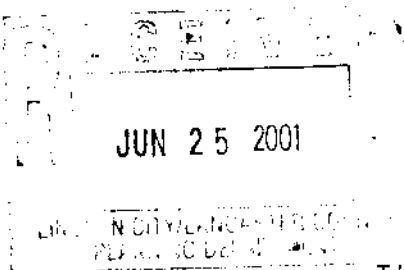
Please call if you have any questions.

Sincerely,

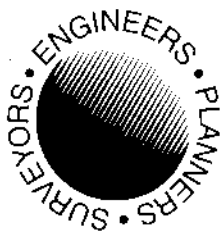
**ROSS ENGINEERING, INC.**

*Tom J. Cajka*

Tom J. Cajka  
Senior Land Planner



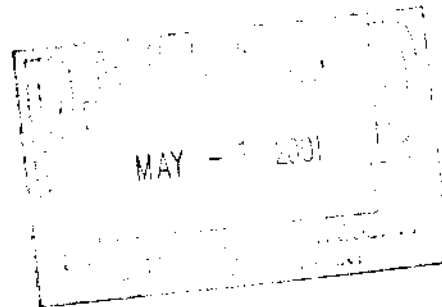
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**ROSS**  
**E**ngineering,  
**I**nc.

May 1, 2001

Ms. Kathleen Sellman, AICP  
Planning Director  
City of Lincoln  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508



RE: Preliminary Plat  
Carroll M5 Industrial Park  
27<sup>th</sup> Street and Cleveland Avenue  
REI Project No. 128301-B

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Dear Kathleen:

On behalf of CeeJay Development, LLC, we are submitting an application for a Preliminary Plat. The total area is 9.28 acres and is zoned I-1 and H-3. The proposed development, generally located at N. 27<sup>th</sup> Street and Cleveland Avenue, is for 13 lots and one Outlot. The Outlot is for common access, streets and utilities. The 1994 Lincoln-Lancaster County Comprehensive Plan identifies this area as industrial on the Land Use Plan. The area is currently a mobile home park. The proposed development is to be constructed in five phases.

Entrances into the development will be from Cleveland Avenue and Theresa Street. Proposed streets will be private and maintained through a property owners association. Streets shall be 26-feet or 33-feet wide as shown on the Site Plan. Public water and sanitary sewer will serve the development. The water main is proposed to be 8-inch and sanitary sewer 8-inch. The water main will tie into the existing 12-inch main on N. 27<sup>th</sup> Street and extend west along Cleveland Avenue and then south on Williams Lane. The water main will then tie into the existing 8-inch water main on Theresa Street. An existing 8-inch sanitary sewer main extends along the east boundary. A new 8-inch main will tie into the existing main at Cleveland Avenue and then extend along Williams Street to serve Lots 3-7. A public access, pedestrian and utility easement is shown over the private streets.

The entire site is within the 100-year flood plain as indicated on the FEMA Panel 25. The property shall be filled as indicted on the Grading Plan. A Flood Plain Development Permit has been submitted.

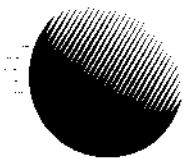
In order to minimize the amount of fill material required to be brought into the Flood Plain, all of the proposed buildings will be flood proofed to an elevation of one foot above the 100 year flood plain elevation of 1147.6. This will allow for the exterior grade around the buildings and the parking lots and driveways to be kept at a lower finish grade than if each of the thirteen buildings were constructed to a finish floor elevation of 1148.6. Certain areas within the parking lots and drives will result in excavation below the existing ground elevation and will lessen the impact on the amount of fill within the flood plain. The net required embankment within the proposed buildings is 11,333 cubic yards and the net required embankment within the parking lots, drives and open space is 2,625 cubic yards, with a total net amount of off site borrow of 13,958 cubic yards for the entire site.

The minimum fill material required for this Development and the flood proofing of the proposed buildings, will have an insignificant impact on the overall elevation of the 100-Year Flood Plain and will not result in any increase in the flood level during the occurrence of the base flood discharge.

The Candy Factory  
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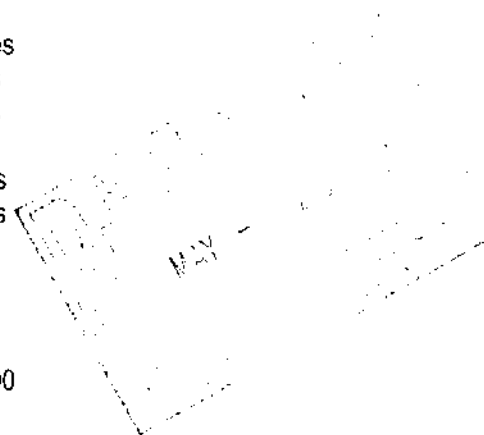


We are requesting the following waivers to design standards:

- a. Delete sidewalks on Williams Lane, Carroll Drive and Carroll Place. The development is located off of N. 27<sup>th</sup> Street and is behind existing buildings that front on N. 27<sup>th</sup> Street. The streets within this development will serve only the lots within the site. Pedestrian traffic will be very minimal. The sidewalks would serve not lead anywhere but within the development.
- b. Allow parking in the front yard setback on Lot 2.
- c. Allow a reduction in the minimum centerline radius for curves from 150-feet to 51.5-feet. The proposed streets are to serve this development only. The reduction in the horizontal curve will help lower the speed of traffic. We do not want to encourage drivers to speed through this area. We do not envision people using the proposed streets other than to arrive at one of the buildings.
- d. Storm-water detention/retention facility. We are requesting this waiver because of the proximity of Salt Creek to the site. The drainage plan shows that storm-water runoff will surface drain primarily to the southwest. After leaving the site, storm-water runoff will drain through a proposed drainage-way west of the site. We have discussed proposed drainage improvements and easements with Randy Wilson of Wastewater operations at Theresa Street. Mr. Wilson has indicated that they are willing to work with us on drainage issues.

This application includes the following:

1. Site Plan	17 copies
2. Existing Topographic Site Plan	7 copies
3. Street Profile	7 copies
4. Grading Plan	7 copies
5. Drainage Area Plan	7 copies
6. Utility Plan	7 copies
7. Phasing Plan	7 copies
8. Application for Preliminary plat	
9. Preliminary Plat technical Checklist	
10. Soils map and report	
11 Preliminary Plat Filing Fee	\$1,020.00
12. Copy of Certificate of Ownership	



If you need any additional information or have questions, please call me.

Sincerely,

ROSS ENGINEERING, INC.

  
Tom J. Cajka  
Senior Land Planner

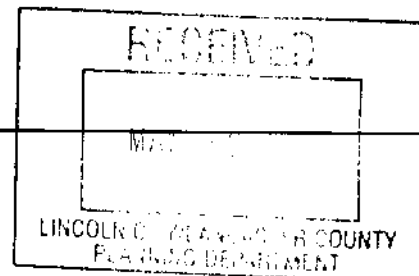
Cc: Dick Carroll  
Mark Grantham

TJC:jak  
123801L06.doc

SUPERVISOR, CUSTOMER SERVICE SUPPORT



**UNITED STATES  
POSTAL SERVICE**



May 7, 2001

Ray Hill  
City-County Planning Department  
555 So 10 St  
Lincoln NE 68508-3992

**SUBJECT:** Carrol Industrial Park

Ray,

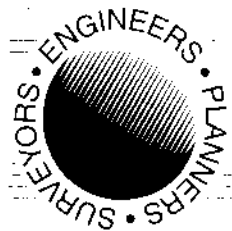
I have reviewed the above-mentioned request.

I find no concerns on behalf of the United States Postal Service and would agree with this proposal as submitted.

Please feel free to call me with any questions.

Thank you,

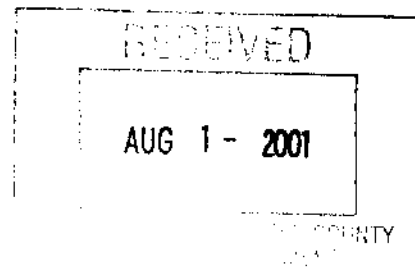
David L. Wampler  
Acting Supv. Customer Service Support



**ROSS**  
**E**ngineering,  
**I**nc.

ITEM NO. 4.2: PRELIMINARY PLAT NO. 01007  
(p.147 - Cont'd Public Hearing - 8/08/01)

July 30, 2001



Mr. Russ Bayer  
Planning Commission Chair  
City of Lincoln Planning Department  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

Re: Carroll M5  
Preliminary Plat  
REI Project No. 128301-B

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Dear Mr. Bayer:

Enclosed is a copy of the letter that was sent to all of the residents of the mobile home park. Please include the letter as additional information with the Application for Preliminary Plat.

I have set up a meeting with the residents to be held on August 2, 2001 at 7:00pm. The meeting will be at the Super 8 Motel adjacent the mobile home court. Representatives from Urban Development and Lincoln Housing Authority will be attending, as well as the developer and myself.

I would like to extend an invitation to any member of the Planning Commission who would like to attend the meeting.

Please feel free to give me a call with any questions.

Sincerely,

**ROSS ENGINEERING, INC.**

*Tom J. Cajka*  
Tom J. Cajka  
Senior Land Planner

The Candy Factory  
201 North 8th Street  
Suite 401  
Lincoln, NE 68508  
Phone 402.474.7677  
Fax 402.474.7678

TJC:am  
128301L32.doc

1311 19th Street  
Suite 102  
Auburn, NE 68305  
Phone 402.274.4828  
Fax 402.274.4821

**SHADY ELM  
1844 THOMASVILLE AVE.  
LINCOLN, NE 68521  
402-477-3535**



Tuesday, July 31, 2001

LINCOLN, NE 68521

Dear Homeowner,

As you may have noticed we are doing some construction work on the north end of the mobile home park. We have enough property to construct a warehouse without removing any of the homes in the park and have begun construction work, which we hope to complete as soon as possible.

As many of you already know, the mobile home park sits in an area designated by the City and the Federal government as a "Flood Plain" which makes it subject to many considerations as to the future of the mobile home park by both City and Federal government regulators.

Because of this "Flood Plain" classification and the requirements surrounding it we have been taking steps to secure the future of the property as both a mobile home park and as property that can be developed for other uses, which includes the new warehouse.

This new warehouse will require that we construct some new infrastructures to support it. That means we will be adding new water and sewer lines and constructing a new road way at the North end of the park. It will also entail moving some gas lines and some electrical lines to keep things safe and secure for the home owners.

We trust this will not cause much of a disruption in your everyday schedule and we hope to have the work completed as quickly as possible.

At this time we do not expect to have to move any homes to accommodate the building of the warehouse. It appears that all homes in the North row of the park will be able to remain where they are. There will be a need to have some of the homes hooked up to new gas lines which will require you to have your home re-inspected by the gas company. Homeowners that need to have their gas reinstalled will be contacted by the gas company.

If you have any questions about the construction or the mobile home park in general, please call Pat Root at 402-477-3535

SUBMITTED BY LINDA BROOKS  
AT CONT'D PUBLIC HEARING  
BEFORE PLANNING COMMISSION:  
8/8/01

# Eviction?

**See for yourself: on (Sunday July 29<sup>th</sup>) 2pm on channel 5**

On February 16<sup>th</sup> 2001 The Planning Director Approved a special permit which adopted a plan to phase out this existing mobile home park.

On July 25, 2001 during the zoning hearing our neighbors appeared on our behalf and got the committees attention. Presently the zoning has been denied for two weeks.

If you own or rent your trailer are you prepared to be evicted at anytime, with only 30 days notice? Does your lease with Mark IV expire every 30 days? Can you afford to move your trailer if you own it, and to where? Is your trailer to old to be moved?

The Developers say this phase out will be in 5 phase, you can already see phase 1 behind Motel 8 has been completed and your next!

The developers say this may take up to 5 years. But it could be sooner once the zone is approved.

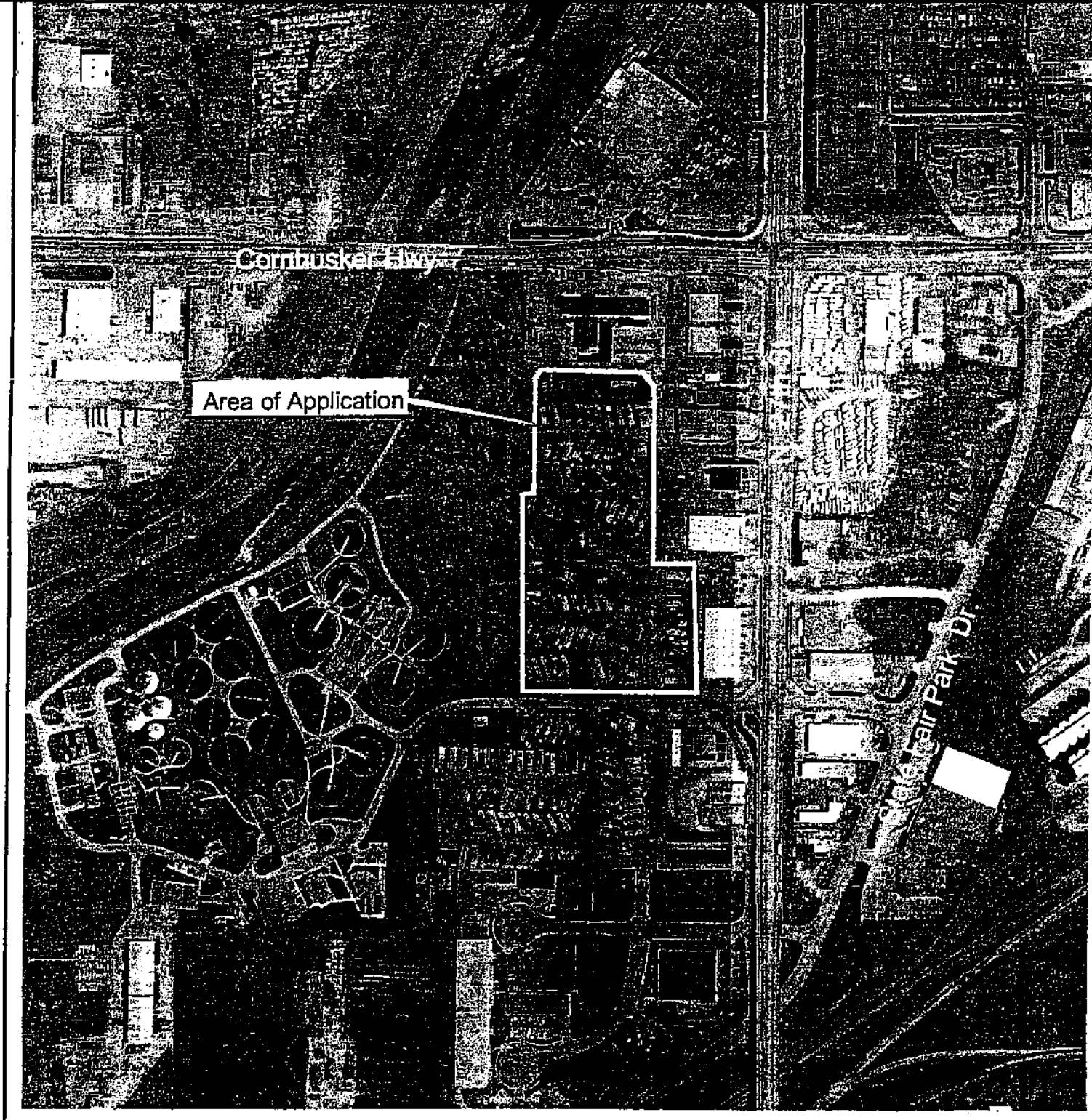
The Planning Committee has asked the Developer to have the property owner meet with the tenants before next hearing in 2 weeks. They have also asked for the Urban Development and HUD to attend the next meeting in hopes of finding us somewhere to live.

**NEXT HEARING  
AUGUST 8<sup>TH</sup> 2001  
1PM CITY COUNTY BLDG 1<sup>ST</sup>  
FLOOR**

**If you are not there you could be HOMELESS!**

**If you need a ride see tenants at 15 or 84**





June 20, 1955

**Preliminary Plat #01007  
N. 27th & Cleveland Ave.  
Carrol M5 Industrial Park**

# **HISTORY:**

City Council approved Special Permit #59, which permitted a mobile home court on the property.

1979

The property was converted from K Light Industrial and H-2 Highway Commercial to I-1 Industrial and H-3 Highway Commercial in the 1979 Zoning Update.

February 16, 2001

The Planning Director approved Administrative Amendment #01006 to Special Permit #59, which adopted a plan to phase out the existing mobile home court.

## MOBILE HOME PARK QUESTIONNAIRE:

This survey is for all people that reside at the shady elm trailer park. Please if you would answer as best as possible the following questions. It would be greatly appreciated.

Your address: \_\_\_\_\_ Trailer number \_\_\_\_\_

Do you own or rent: \_\_\_\_\_

How many people live at this address: \_\_\_\_\_

Approximate ages of the occupant's: \_\_\_\_\_

How long have you lived at this address: \_\_\_\_\_

Do you have a lease, and if not have you ever gotten a lease: \_\_\_\_\_

How much do you pay for lot rent: \_\_\_\_\_

Do you know who owns this property: \_\_\_\_\_

Do you know the year of your trailer: \_\_\_\_\_

Do you know where to go in case you were asked to leave this trailer park: \_\_\_\_\_

Do you have any unresolved issues about your trailer or this park: \_\_\_\_\_

Are you dependent on your job or do you get help through the State to cover your living expenses: \_\_\_\_\_

Are you willing to come to a mobile home resident meeting should one become necessary: \_\_\_\_\_

**SHADY ELM MOBILE HOME**

**RESIDENCE MEETING !!!!!!!!!!!!!**

**TUESDAY JULY 31<sup>ST</sup>**

**7:00 PM**

**WHITE HOUSE IN MIDDLE OF TRAILER  
COURT # 51**

**THIS MEETING IS FOR RENTERS AND  
HOME OWNERS IN PREPRATION FOR THE  
MEETING BEING HELD AT THE SUPER 8  
MOTEL BETWEEN THE OWNERS AND  
RESIDENTS.**

**PLEASE BE THERE;**

<b>Linda Brooks</b>	<b>466-7097</b>
<b>LeRoy Downey</b>	<b>540-5197</b>

Monday July 30<sup>th</sup>

Ken Sabord  
Albany 744-8791  
Front of house

@ approx 12: Noon

Colleen  
Sara 464-5463  
441-7515

I received a call from

Tom Czajak saying ~~that~~ there is  
a meeting at Super 8 on Cornhusker  
Hwy at 7: PM.

I asked who would be there

He said Dick Carroll

Reps from urban development & housing authority

— Dick Carroll, McBride —

— asked who else,

His reply was "Oh, a couple of others from

The Trailer Court,

End Conversation

# Owner, trailer park residents meet

BY ANDREW NELSON  
Lincoln Journal Star

Close to 60 people packed into the meeting room at the Super 8 Motel on the corner of North 27th Street and Cornhusker Highway to ask the owner of a mobile home park not to evict them.

He could not make such a promise.

Owner Dick Carroll of Kansas City, Kan., confirmed that he had submitted a plan to the Lincoln/Lancaster County Planning Commission to develop the Shady Elm Mobile Home Park, 2525 Cleveland, as an industrial park.

But, he said, he had no plans to sell the land and evict the park's residents.

Residents, many of whom are poor and elderly, asked for a guarantee from Carroll that he would not sell or develop the land or evict them.

Carroll said he used to live at the court his family has owned since it was started in the early 1950s. He sympathized with audience members who wanted a guarantee, he said, but he could not give it.

But, he said, "I will not sell the property to anybody else other than a family member for business purposes or tax purposes."

Under an unrelenting interrogation by those attending, he said he would give a 90-day notice — "I will give as much notice as I possibly can."

The residents of the court are all on 30-day space leases, allowing them to move or Carroll to evict them with little notice.

Resident Carol Moore had a simple reply when asked what would happen to her in that event: "I'd be in the streets."

Moore, who is disabled, said she owns the mobile home she lives in

and rents the land it is on. That rent is \$200 a month, and that's all she can afford.

"Where can we find an apartment for \$200 a month?" she asked.

Moore said a city ordinance prevents residents or anyone else from moving a mobile home 15 years old or older to another location inside city limits. Furthermore, the cost is prohibitive: It costs \$1,500 to move a mobile home even within city limits, she said.

Annette McRoy, City Council chairwoman and representative of the northwest district, said the ordi-

nance prohibiting the movement of old mobile homes or trailers was probably in place for safety reasons. Things get old — they deteriorate, she said. Yet mobile homes are built out of stronger materials now, so maybe the ordinance should change, she said.

Carroll said he could not guarantee the future to the residents in the mobile home park because it is in a flood plain and, according to government policies, people are not supposed to live in flood plains.

Reach Andrew Nelson at 473-7395 or [citydesk@journalstar.com](mailto:citydesk@journalstar.com).

## Annual Czech festival begins today in Wilber

The 40th annual Nebraska Czech Festival kicks off today in Wilber and continues Saturday and Sunday.

Today's events begin at 5:30 p.m. with an accordion jamboree at the outdoor theater, followed by community awards at 6:30 p.m. and a children's parade at 7 p.m. Other events today include the Wilber Czech Dancers, an art show, the FFA Farm Yard Olympics, and karate and taekwon-do demonstrations.

The duck and dumpling run begins at 7 a.m. Saturday, followed by a co-ed sand volleyball tournament at 10 a.m. There will be a flag raising ceremony at 1 p.m., followed by a parade at 2 p.m. Other Saturday events include a talent contest, entertainment, an art show, a quilt show, an accordion jamboree and a Czech historical pageant.

Sunday events begin with an 8:15 a.m. community worship at the outdoor theater, followed by an accordion jamboree at the handstand. Other Sunday events include introduction of Czech queens, a parade at 2 p.m., a kolache-eating contest, a kids' tractor pull and various bands throughout the day.

There will be dances from 8 p.m. to midnight all three days.

The festival events end at 10 p.m. Sunday with a drawing for cash prizes of \$2,000.

For more information, call (800) 888-4WILBER or visit <http://www.ci.wilber.ne.us>.

### PET OF THE WEEK



### Sherry likes long walks

Sherry, a 2-year-old spayed female German shepherd, is looking for a good home. Her favorite activities include long walks, sleeping on the couch and belly rubs.

If you can adopt Sherry or any of her friends at the Capital Humane Society, stop by at 2320 Park Blvd. or call 441-4488. Last week's Pet of the Week was adopted.

## Lincoln appellate judge

The Senate voted 97-0 to confirm the 54-year-old.

Riley, a successful Omaha lawyer, becomes one of 179 federal appeals court judges in 13 districts who are appointed for life.

Riley is a graduate of the University of Nebraska-Lincoln and the University of Nebraska School of Law.

Riley, who will give up his position at the Omaha law firm of Fitzgerald, Schorr, Barmettler and Brennan, will replace retiring Judge C. Arlen Beam.

The 8th U.S. Circuit is made up of Nebraska, North Dakota, South Dakota, Minnesota, Iowa, Missouri and Arkansas.

## Summer Clearance

# 50% OFF!

Selected Items.

*Burton's*  
**Flowers**

5740 Old Cheney Road

421-2613

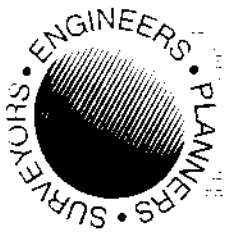
800-397-0847

[www.burtonflowers.com](http://www.burtonflowers.com)

AUG.	2001	SHADY ELM	Present	269
BROOKS, LINDA		1844 Thomasville Ave.	Prev.	561
2525 CLEVELAND	#015	Lincoln, NE 68521		
Lincoln	NE 68521	402-477-3535	Units Used	292.
Lot Rent	\$180.00		OTHER	
Water	\$657.00	Prev. House Pay		
Sewer	\$365.00	Taxes		
WS Mn	\$0.00	House Pay		
Service	\$8.00	Late charge		
SUBTOTAL	\$1,210.00	Prev. Lot Rent	\$85.00	
		Bal Due	\$1,295.00	

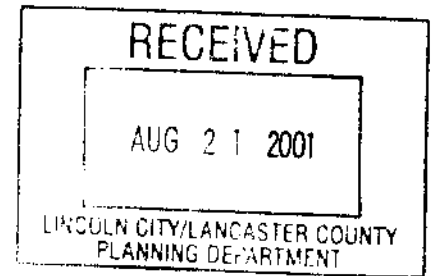
**PREV. LOT RENT NEEDS TO BE PAID IMMEDIATELY:**

**PARENTS, PLEASE KEEP TRACK OF YOUR KIDS AND KNOW  
WHERE THEY ARE AT ALL TIMES. THEY ARE NOT TO GO  
INTO OTHER PEOPLES YARDS WITHOUT PERMISSION.**



**ROSS**  
**E**ngineering,  
**I**nc.

July 30, 2001



Ms. Joan Ross  
City of Lincoln  
City Clerk  
555 South 10<sup>th</sup> Street RM 103  
Lincoln, NE 68508

Re: Carroll M5  
Preliminary Plat  
REI Project No. 128301-B

**ESTABLISHED**  
**1974**

*Innovative  
Designs  
For the  
Future of  
Tomorrow*

Dear Ms. Ross:

The purpose of this letter is to appeal certain conditions set by Planning Commission on Preliminary Plat No. 01007. The specific conditions we are appealing are:

- 1.1.11 Sidewalks
- 1.1.13 Note 15, which requests a waiver to sidewalks
- 1.1.15 Design standards for centerline radius of curves
- 1.1.16 Stormwater detention

We will be appealing the above conditions to City Council.

Sincerely,

**ROSS ENGINEERING, INC.**

*Ron E. Ross*  
Ron E. Ross, P.E.  
President

The Candy Factory  
201 North 8th Street  
Suite 401  
Lincoln, NE 68508  
Phone 402.474.7677  
Fax 402.474.7678

CC: Dick Carroll  
Jeff Hagen  
Lincoln Planning Department

TJC:am  
128301L34.doc

1311 19th Street  
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